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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.: CR02-132-TSZ
10 Plaintiff,) & CR03-073-TSZ
11 v.) SUMMARY REPORT OF U.S.
12 MARY LOU HOWARD,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An evidentiary hearing on supervised release revocation in this case was scheduled before
16 me on June 13, 2005. The United States was represented by AUSA Leonie G. H. Grant and the
17 defendant by Jeffrey Needle. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about August 16, 2002 in case number CR02-132 by
19 the Honorable Thomas S. Zilly on charges of Conspiracy to Defraud the U.S. Department of
20 Treasury through the Internal Revenue Service. She was sentenced to 10 Months Custody, 3
21 years Supervised Release.

22 The conditions of supervised release included requirements that defendant comply with all
23 local, state, and federal laws and with the standard conditions of supervision. Other special
24 conditions included no unlawful use of controlled substances, no firearms, mandatory drug testing,
25 participate in a mental health program, submit to search, restitution in the amount of \$18,475.99,
26 provide probation officer with access to financial information, disclose all assets and liabilities, no

01 new credit, maintain a single checking account, provide business records if engaged in a business,
02 provide information to Internal Revenue Service to determine correct tax liability, and cooperate
03 with Child Protective Services at the direction of the probation officer.

04 On October 28, 2002, the defendant's probation officer filed a report indicating that she
05 had failed to voluntarily surrender to the Federal Detention Center as required. A warrant was
06 issued, the defendant was arrested, and remanded to custody. She was charged in case number
07 03-73 with knowingly and willingly failing to surrender for service of sentence. She pled guilty
08 and was sentenced on May 9, 2003 to two months in custody, to be served concurrently with the
09 ten month sentence in 02-132, plus two years supervised release. Conditions of supervised release
10 included two months in a community corrections center upon release from custody.

11 After serving her custodial time, the defendant was released to Pioneer Fellowship House,
12 a community corrections center, for prerelease programming on October 31, 2003. She was
13 scheduled for full community release on December 31, 2003, but failed to secure employment or
14 to submit an acceptable release plan to allow her full release on community supervision.

15 The conditions of supervised release were modified with the defendant's agreement on
16 December 31, 2003 to require defendant to reside in and satisfactorily participate in a community
17 corrections center to include a prerelease component and day reporting program participation, if
18 deemed appropriate, for up to 120 days or until discharged by the community corrections manager
19 or probation manager.

20 On March 22, 2004, defendant admitted to violating the conditions of her supervised
21 release by failing to successfully complete a 120 day community corrections placement as ordered
22 by the Court on December 31, 2003. Defendant was sentenced to 3 months in custody followed
23 by 3 months in a half way house.

24 On August 31, 2004, the defendant's probation officer filed a report alleging that defendant
25 violated the conditions of her supervised release by:

- 26 1. Failing to successfully complete the 90 day community corrections center

01 placement.

02 The resulting warrant was quashed and re-issued, and a second warrant was issued upon
03 the report of defendant's probation officer that defendant had violated the conditions of supervised
04 release by:

05 2. Committing another federal state or local crime in violation of her standard
06 conditions of supervised release.

07 Defendant was advised in full as to the charges and as to her constitutional rights.

08 Defendant admitted the alleged violations and waived any evidentiary hearing as to
09 whether they occurred.

10 I therefore recommend the Court find defendant violated her supervised release as alleged
11 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
12 set before Judge Zilly.

13 Pending a final determination by the Court, defendant has been detained.

14 DATED this 14th day of June, 2005

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16 Mary Alice Theiler
17 United States Magistrate Judge
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20 cc: District Judge: Honorable Thomas S. Zilly
21 AUSA: Leonie G. H. Grant
22 Defendant's attorney: Jeffrey Needle
23 Probation officer: Burton E. Maroney
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